IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
CHAMBER SUMMONS NO. 695 OF 2007
IN
B.C.C.C.S.C.SUIT NO.5259 OF 1980

Mrs. Jayshri Devi Baan and others .. Plaintiffs
v/s.
Natwarlal Patel and others .. Defendants
And
Ms. Nandini N. Patel .. Respondent

Ms. R.C. Nichani i/by M/s. S. Dhadhich & Co. for the plaintiffs.
Mr. Karl F. Tambhy for the defendant Nos.2 and 3 and respondent.

CORAM : A.M. KHANWILKAR, J.
DATED : 25TH JUNE, 2007

P.C.

Mr. Karl F. Tambhy, advocate waives service for the respondent in the main proceedings as well as in the present chamber summons.

Counsel for the defendant Nos.2 and 3 and the respondents submits that the respondent is neither necessary nor proper party to the proceedings as she is not made beneficiary under the suit will. However, I am in agreement with the submission of the plaintiffs that the issue regarding entitlement of the Respondent can be considered in the main proceedings. For, it is not in dispute that the respondent is one of the legal heir of the deceased. Accordingly, chamber summons is made absolute in terms of prayer clauses (a), (b) and (c) without prejudice to the rights and contentions of the defendants and the respondent which is raised in the present chamber summons. That aspect will be considered on its own merits.

2. Amendment to be carried out within two weeks.

(A.M. KHANWILKAR, J.)